

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SEKEMA GENTLES,
Plaintiff,

:

v.

:

THE BOROUGH OF POTTSTOWN
POLICE OFFICER(S) JEFFREY
PORTOCK, *in both personal and official*
capacities; UNRUH, in both personal
and official capacities; and,
UNIDENTIFIED OFFICER, *in both*
personal and official capacities
Defendants.

:

:

CIVIL ACTION
NO. 19-0581

ORDER

AND NOW, this 22nd day of June 2020, upon consideration of: Plaintiff's Amended Complaint (ECF No. 23); Defendants' Motion to Dismiss (ECF No. 24); and, Plaintiff's Response (ECF No. 27), it is hereby ORDERED that in accordance with the Court's accompanying Memorandum, said Motion is GRANTED in PART and DENIED in PART as follows:

- (1) Defendants' Motion is GRANTED as to Plaintiff's federal claim for Malicious Prosecution, as well as his claims for Intentional Infliction of Emotional Distress, Fourteenth Amendment violations, violations of the Pennsylvania Constitution, and declaratory relief; and,
- (2) Defendants' Motion is DENIED as to Plaintiff's Fourth Amendment claim, state claim for Malicious Prosecution, and demand for punitive damages.

It is further ORDERED that Plaintiff's Motion for Relief Pursuant to Rule 60(b) (ECF No. 33) is DENIED as moot.

BY THE COURT:

/s/ C. Darnell Jones, II J.